



Domestic Violence

Legal Training Unit

Domestic violence is the topic for this legal update. The Michigan Legislature has enacted a number of statutes aimed at curbing domestic violence that affect the officer's investigation of these types of cases.

When investigating domestic violence, the officer must first establish if a domestic relationship is involved. Domestic relationships include:

- spouse or former spouse of the assailant.
- victim and assailant reside or formerly resided in the same household.
- the assailant and victim have had a child in common.

Establishing if the victim and assailant reside or have resided in the same household may take some investigation. Facts such as location of clothes, where mail was received, names on the lease, duration of stay, etc. will assist in determining if the victim was a resident of the assailant's household.

Under 1994 legislation, there are new penalties for assault or assault and battery involving a domestic relationship. First offense is a 93 day misdemeanor which requires that fingerprints be taken. A second conviction is a 1 year misdemeanor. Third and subsequent convictions are 2 year felonies. (MCLA 750.81)

The penalty for first offense aggravated assault on a domestic victim remains a one year misdemeanor. However, if the abuser has a prior conviction for domestic violence, the offense becomes a 2 year felony. (MCLA 750.81a)

MCLA 764.15a authorizes a peace officer to arrest an individual when the officer has reasonable cause to believe that an assault or assault and battery has been committed in a domestic relationship, even if the abuse occurred outside of the officer's presence and the officer does not have a warrant. This section also authorizes a similar arrest for aggravated assault. The key is to develop sufficient reasonable cause. Statements from witnesses, property damage, prior history, physical injury, etc., are things the investigating officer may use in establishing sufficient reasonable cause to make the arrest.

Recently, the Attorney General has spoken on our warrantless arrest authority in the area of domestic violence. (Opinion No. 6822.) Prior to this opinion, an officer had to observe physical signs of abuse on the victim before a warrantless arrest could be made for an assault or assault and battery committed outside of the officer's presence. This requirement is no longer necessary. If the investigating officer establishes reasonable cause that an individual has committed an assault or assault and battery in a domestic relationship, a warrantless arrest of that individual may occur even though there are no physical signs of abuse to the victim.

After investigating or intervening in a domestic dispute, the officer must complete a report that contains the following information:

- The address, date, and time of the occurrence or incident being investigated.

- The victim's name, address, home and work telephone numbers, race, sex, and DOB.
- The suspect's name, address, home and work telephone numbers, race, sex, and DOB, and information describing the suspect and whether a personal protection order covering the suspect exists.
- The name, address, home, and work telephone numbers, race, sex, and DOB of any witnesses, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.
- The name of the person that called the law enforcement agency.
- The relationship of the victim and suspect.
- Whether alcohol or controlled substance was involved in the occurrence or incident, and by whom.
- A brief narrative describing the dispute or incident and the circumstances that led to it.
- Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.
- A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.

(Continued on next page)

IN THIS ISSUE:

- ★ Domestic Violence Update
- ★ Handling Stress
- ★ Defensive Driving

Domestic Violence . . .

- If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.
- A description of any property damage reported by the victim or evident at the scene.
- A description of any previous domestic disputes or incidents involving domestic violence between the suspect and the victim.

➤ The date and time of the report and the name, badge number, and signature of the peace officer completing the report. (MCLA 764.15c)

The investigating agency shall file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours after the dispute or incident is reported to the agency. (MCLA 764.15c)

A final note is on interim bond. MCLA 780.582a states that anyone arrested for assault, assault and battery or aggravated assault in a domestic relationship shall be denied release on interim bond and shall instead be held until brought be-

fore a magistrate for arraignment, or if a magistrate is not available or an immediate trial cannot be held within 24 hours, the person shall be held for 20 hours, after which the person may be released on an interim bond or on his or her own recognizance. This will allow for a cooling off period. MCLA 780.582a applies even if the investigating officer obtained a warrant before the arrest.

If you have any questions or concerns about this material or any other legal issues, please contact Sgt. Dave Greydanus at (517) 322-6960. 📞

Stress

First Aid and Wellness Training Unit

What is it that bothers you about your job?

- Frustration with the court system?
- All your hard work isn't appreciated?
- Are you unhappy with shift work?
- Are you unfairly disciplined?
- Are you tired of unnecessary change?
- Do your supervisors make a big deal of a small thing?
- Do you have enough time?
- Do you make enough money?
- Do you worry about your safety?

If you listen to your co-workers or if you read the "Trooper" some of these problems might be familiar to you. You may have felt the frustration that accompanies these problems and that frustration is what some call stress.

In his book *Psychological Services For Law Enforcement*, Theodore H. Blau states: "In the U.S. more than 45% of all salaried workers say that they experience excessive stress as a result of the conditions of their employment." We as law enforcement officers are classified as a heavy stress group and the common problems associated with law enforcement include alcohol abuse, spouse abuse, suicide, and burnout.

Medical experts define stress as "any stimuli or succession of stimuli of such magnitude as to tend to disrupt the homeostasis of the organism." In it's simplest form stress is defined as some type of strain or pressure.

Stress is not the events or problems listed above but the way each of us reacts to these events. Sometimes when we feel stress our bodies can tense up, adrenalin and other chemicals can be pumped into our bloodstream, breathing can become shallow, muscles tense and our bodies become prepared for action. We can be all pumped up for physical action but have no physical action to take. If we have no way to release this tension it can bottle up inside of us and over time this tension or stress can lead

to ill health. Long term stress and accumulated tension have been linked to heart disease, ulcers and cancer to name a few.

How do you recognize the symptoms of stress?

First try to recognize the warning signs by paying attention to behavior, emotions, and physical changes. Your individual symptoms may vary but here are a few to look for:

Behavior	Emotion	Physical Symptoms
Overeating	Anger	Tight neck/shoulders
Smoking	Depression	Pounding heart
Drinking	Loneliness	Headaches
Change in sleeping	Low self-esteem	High blood pressure
Impatience	Apathy	Fatigue
Driving careless		Grinding teeth
Negativity		Stomach problems
Forgetfulness		Unable to relax/slow
Being critical		Trembling
Social withdrawal		

Each individual is different and has different reactions to events in their lives. Some are only bothered by major events in their lives while others are disturbed by the smallest commotion.

How can I decrease the stress in my life?

The first step is to recognize stress so you are better able to manage it:

- In a notebook you might keep a log as to when you feel anger, fear or confusion and what caused this reaction.
- If causes of stress are avoidable then simply avoid them.
- If an event is unavoidable realize that there is nothing you can do about it.
- Keep things in perspective. "Is this life threatening?"
- Make your life more organized.
- List duties in order of importance.
- Rate events on a scale of one to ten and determine if they are really worth worrying about.
- Try to think of similar events in your life that have ended successfully.

(Continued on next page)

Stress . . .

- > Realize that the worst that can happen is not always that bad.
- > Will you remember this event a year from now?
- > Make a list of resolutions to your problems.
- > Stay positive. A negative attitude will only make things worse.
- > Talk to friends about your problems.

According to Theodore H. Blau, "Much stress can be reduced in officers who are encouraged and trained to include proper diet, sleep, exercise, and recreation in their lives."

Simply get yourself to relax.

- > Take full slow breaths when you feel stress.
- > Tell yourself to calm down.
- > Count down from ten to one and let the tension escape.
- > Close your eyes and concentrate on relaxing all the muscles in your body.
- > Take a short break from what you're doing.
- > Get involved in an activity that you enjoy.
- > Think of the happiest times in your life.
- > Be positive.

Blau points out some recommendations that have proven to be helpful for those involved in shift work:

- > Sleep immediately after night shift rather than before.
- > Eat three regular meals.
- > Avoid caffeine five hours before sleep.
- > Forge social and recreational links with other shift working families/friends.
- > There should be no phones, doorbells, or appliances to disturb sleep.
- > Rooms should be as dark and quiet as possible using thick carpet and heavy curtains.
- > Alcohol should not be used as a sedative because subsequent sleep would be light and disturbed.

You should also know that not all stress is bad. Many people do their best work while under pressure. Stress is a powerful force for growth; we often learn the most when we're forced to.

If you are worried about the stress in your life and feel that you are unable to manage it or would just like to talk about ways to reduce your stress call: Dr. Gary Kaufmann or Dr. Dick Smith, MSP Behavioral Science Section, Tx: (517) 334-7745 or 334-7747. ■



Bits 'n Bytes

(Microsoft Notes)

Microsoft Excel Spreadsheets Shortcuts

Anyone working with budgets and expenses should be using Microsoft Excel. This spreadsheet program allows you to store and manipulate numbers easily. They can save you time, effort, and potential trouble. In this article, we will show you a technique for copying cells to help free your spreadsheets from typos and miscalculations.

Copying cells: Suppose you have a spreadsheet with three columns of numbers and one sum, as in Spreadsheet 1A. The total for the first column was obtained by using the autosum feature. To total the second and third columns, you could type

the summation formula two more times, use autosum two more times, or just copy the first column's formula.

SPREADSHEET 1A

	JAN	FEB	MAR
CITIES	679	168	589
COUNTIES	17	7	14
TOWNSHIPS	514	98	125
TOTAL	1210		

To copy the formula: Highlight the cell to be copied by clicking in it. Press **CTRL-C** (the Control key plus C). Then drag the mouse across the next two total cells to highlight them. Press **Enter**. Spreadsheet 1B shows the results.

SPREADSHEET 1B

	JAN	FEB	MAR
CITIES	679	168	589
COUNTIES	17	7	14
TOWNSHIPS	514	98	125
TOTAL	1210	273	728

The copy command (**CTRL-C**) works on all cell contents and is performed the same way. Try it a few times and save yourself time! ■

Patrol Car Accidents Precision Driving Unit

Did you know . . .

That most patrol car accidents occur during normal, routine driving situations, and a large number of these happen while backing up?

That on average, a police officer can expect to be involved in an accident every 28,000 miles.

That purposely touching the suspects car with your patrol car, "forced intervention", in order to get them stopped, is considered deadly force according to Official Order Ten?

That closing on a suspected speeder without your red light on is permitted because of an exemption to the motor vehicle code in section 257.632 that says "...you may run without lights and siren only if it is strictly necessary to avoid warning suspected law violators where the effect would be to endanger yourself, or others, or permit their escape..."

That you can be sued civilly under three basic legal theories: Negligence Actions, Intentional Torts, and Constitutional Torts. ■

LERC Update



The Law Enforcement Resource Center, located at the Training Academy, is open to all MSP personnel. Hours are 8-12 and 1-5, Monday through Friday. There is a comprehensive video training collection, written materials, with electronic searches possible.

Sandi Luther manages the video collection. Her phone number is 517/322-5624 or 5623. **Mary LePiors** is the librarian. You may request materials from her by calling 517/322-1976, faxing 517/322-1130, or E-mail lepiorsm@mlc.lib.mi.us. The address for the Law Enforcement Resource Center is 7426 North Canal Road, Lansing, Michigan 48913.

Two new services are proving useful in the resource center. The first is HANNAH Information System, a menu-driven database containing Michigan legislative information. HANNAH provides full text bills, bill status and directories of state and local government. The second is Internet. Through this service the power of the "information highway" is harnessed for the use of the department.

PROSPECTIVE AUTHORS

If you are submitting an article for publication, you might want to be aware of the following books in LERC.

Turabian, Kate L., **A Manual for Writers of Term Papers, Theses, and Dissertations**, 5th ed., University of Chicago Press, 1987.

American Psychological Association, **Publications Manual**, 3rd ed., Author, 1993.

The University of Chicago, **The Chicago Manual of Style**, 14th ed., Author, 1993.

Li, Xia, **Electronic Style, A Guide to Citing Electronic Information**, Meckler, 1993.

NEW BOOKS AT LERC

Decalmer, Peter, **The Mistreatment of Elderly People**, Sage, 1993.

Heide, Kathleen M., **Why Kids Kill Parents: Child Abuse and Adolescent Homicide**, Ohio State University Press, 1992.

Holmes, Ronald M., **Murder in America**, Sage, 1994.

Kappeler, Victor E., **Critical Issues in Police Civil Liability**, Waveland, 1993.

National Research Council, **Understanding and Preventing Violence**, Vols. 1-5, National Academy Press, 1993, 1994.

Dynamics of Positive Attitudes

Career Development Section

PERSONALITY (Attitudes in Action)

RESULTS

ENTHUSIASTIC
DECISIVE
COURAGEOUS
OPTIMISTIC
CHEERFUL
CONSIDERATE
FRIENDLY
COURTEOUS
SINCERE
WARM
RELAXED

DAILY
LIVING

SUCCESS
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SECURITY
ENERGY
ACHIEVEMENT
HAPPINESS
GROWTH
ADVENTURE
HEALTH
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LOVE
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Number of Copies Printed: 300
Total Cost: \$167.68 Cost Per Copy: \$0.558

In Sights

Ordnance and Marksmanship Training Unit

We have received a lot of questions about the expiration date on the label of our ballistic vests. Several troops have called, concerned that their vests were "expired", and no longer ballistically sound. The vest manufacturer recommends replacement of the vest after five years. They list several reasons, none of which deal with the "Kevlar" wearing out or becoming unsafe. The reasons listed by the manufacturer deal with changes in size, weaponry, and damage to the vest. Research done by the N.I.J. indicates that vests tested, from new to over 10 years old, performed equally well. As long as the vest does not become wet, physically damaged (torn or frayed), or just too funky to wear, it will perform as good as new.

We are currently in the process of replacing the Smith and Wesson 940 revolvers. They will be replaced with the model 640-1, .357 revolver. Only the current .38 ammunition will be authorized for carry. Replacement should start in early June.

The quartermaster has advised us that some of the cs/oc gas canisters turned in at retirement were actually trainers, containing only water! Canisters should be checked periodically by squirting a short burst, **outdoors**, to check the operation of your aerosol gas system.

Defensive Driving Precision Driving Unit

You ask: What is Defensive Driving? Defensive driving is the ability to avoid a preventable accident or collision no matter what the road and weather conditions are at the time.

We as police officers must lead the way by setting examples to the general motoring public.

1. Pay attention to the roadway.
2. Pay attention to other vehicles.
3. Don't ask for the patrol vehicle to do something it is not capable of doing.
4. Don't ask yourself to do something you are not capable of doing.

Remember that the vehicle travels 88 feet **per second** at 60 m.p.h. The more speed, the longer the stopping distance.